

If, after contract award, the Contractor elects to use alternative operations that are not covered by the 404 or Stream Alteration Permits, the Contractor must acquire an amendment to the existing permits, or obtain new permits. Construction in the waterway cannot begin until permits are issued which cover the anticipated operations.

NPDES Construction General Permit

The Environmental Protection Agency's (EPA's) National Pollutant Discharge Elimination System (NPDES) Program regulates stormwater runoff from construction sites. Stormwater runoff from construction activities can have a significant impact on water quality, as it carries sediment and other pollutants exposed at construction sites to surface waters of the United States.

EPA's Construction General Permit applies to the State of Idaho. A copy of the EPA's Construction General Permit may be downloaded from www.epa.gov/npdes/stormwater. The State of Idaho's permit number is IDR100000. This permit outlines a set of provisions that must be followed to comply with the requirements of the NPDES storm water regulations.

The EPA Construction General Permit authorizes stormwater discharges from:

- 1) *"Construction activities that result in a total land disturbance of equal to or greater than one acre, where those discharges enter surface waters of the United States or a municipal separate storm sewer system leading to surface waters of the United States; and*
- 2) *Any other construction activity designated by EPA where EPA makes that designation based on the potential for contribution to an excursion of a water quality standard or for significant contribution of pollutant to waters of the United States."*

The goal of the permit is to reduce or eliminate storm water pollution from construction activity by requiring the planning, implementation and maintenance of appropriate erosion and sediment control practices to protect water quality.

The NPDES general construction permit applies when a project meets the following three criteria:

1. There is ground disturbance such as grading, clearing and grubbing, and excavation.
2. The area of ground disturbance exceeds one acre (.04 hectares).
3. There is a point discharge to waters of the U.S.

The NPDES permit requires preparation of a Storm Water Pollution Prevention (SWPP) plan. The Department develops a conceptual SWPP plan during project development which is then inserted into the project proposal. SWPP plans are site specific plans showing such items as drainage areas, ground disturbance areas, and erosion and sediment control measures. Once the contract is awarded, the SWPP plan is finalized by the Contractor to reflect the Contractor's operations. The Department, the Contractor, and all affected subcontractors must agree to and sign the SWPP plan.

In addition, the Contractor and the Department must complete and submit separate Notices of Intent (NOI) to the EPA. No ground disturbing activities are allowed until the NOI is posted on the EPA web site and seven days have elapsed after posting.

After the project is stabilized (i.e. temporary measures are removed or scheduled for removal and permanent measures are in place), the Department and the Contractor submit separate notices of termination (NOT) to the EPA.

All measures identified in the SWPP plan must be installed and maintained in effective operating condition. Sections 1.5 and Section 1.7 of the Erosion and Sediment Controls manual outlines the Residency/Region's responsibilities during construction for assuring the measures remain effective.

Potential Problem Areas

Material Sites	Material sites are not exempt from NPDES requirements.
Asphalt plants	Asphalt plants are not covered under the General Permit. If point discharges occur to waters of the U.S., an individual NPDES permit must be obtained.
Construction Changes	The SWPP plan must be revised if the Contractor's operations change from those upon which the original SWPP plan was prepared.
Maintenance	Performance of erosion and sediment control measures devices must be inspected for compliance each week and deficiencies corrected immediately..
NOI Filing	Ground disturbing construction activities cannot begin until seven calendars after EPA posts the NOI on their website.
Consent Decrees	The requirements of these agreements are legally binding and must be followed to avoid penalties.